

Are Prisons Criminogenic? Some Experimental Evidence

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Abstract

Criminologists and correctional practitioners worry that prisons encourage criminal behavior among inmates, i.e., that prisons are criminogenic. We analyzed a subset of the experimental data collected by Berk and his colleagues (Berk et al. 2003) to test a new inmate classification system in California and demonstrated that this effect does not necessarily exist. We examined 561 inmates who were classified to have the same risk of institutional misconduct by the instruments used by the California Department of Corrections. Half of these inmates were sent to the lowest security level prisons in California, Level I prisons, and the other half were sent to Level III prisons, one step down from the highest security level in California, Level IV. If prisons are criminogenic as a result of cohabiting with other high risk inmates, then we expected the misconduct rates for our subset of inmates to vary with the security level to which the inmates were assigned. Instead, we found that the inmates were equally likely to commit misconduct in prison regardless of whether they were assigned to a Level I or a Level III prison. We also provide a conceptual model in this paper to clarify the dimensions of the prison environment that will allow researchers to sort out the influence of criminal propensity from the influence of prison culture and prison regime.

Policy Implications

The clearest policy implication that derives from the current study is that the security level of prisons does not contribute to inmate misconduct in the manner often assumed by prison administrators and others. Otherwise similar inmates had the same rate of misconduct, both total misconduct and serious misconduct, whether they were placed in Level-I prisons in California or the more secure Level-III prisons. In some prison systems, there is a reluctance to place certain groups of inmates in higher security levels, especially younger inmates, because of the supposed criminogenic effect of more secure prisons. Even though this research suggests that the criminogenic effect of prisons may be less than usually believed, there may still be other valid policy concerns about placing younger inmates in more secure prisons, such as a greater likelihood that younger inmates are victims in more secure prisons or the criminogenic effect upon inmates after release from prison. These aspects were not considered in the current study.

Are Prisons Criminogenic? Some Experimental Evidence

Criminologists have long debated whether prisons are criminogenic or rehabilitative. This paper examines the theoretical and empirical foundation of the arguments by capitalizing on recent research conducted on inmate classification in the California prison system (Berk et al. 2003). Those researchers have generously shared a subset of their data that can be used to partially answer this question. A secondary purpose of this paper is to provide a conceptual framework previously missing from this domain of research.

Some of the confusion that has arisen over whether prisons are “schools of crime” may be attributable to a lack of a clear structure into which the debate can be cast. To understand and test whether prisons are malign, benign, or neutral environments, an analytical model must first be constructed to separate the influence of the prison environment from the influence of criminal propensity. Figure 1 presents such a conceptual model. It categorizes the person/environment interaction into three components. The first is the individual propensity to commit crime. The second and third dimensions are characteristics of the prison environment, those attributable to the impact of culture, and those attributable to prison regime. We elaborate on each of these in the following sections of this paper.

CRIMINAL PROPENSITY

Criminal propensity is the same concept as described by Blumstein (1988a; 1988b; 1986), Gottfredson and Hirschi (1986; 1987), and other criminologists who characterize the proclivity (probability) of an individual to commit crime (Farrington 1986). In prison, this can be summarized by a security score that results from inmate classification. We describe the

measurement and the meaning of this score when we address the original work done by Berk and his colleagues.

PRISON CULTURE

Culture is defined as the collective, shared values and norms of the inmates in any given prison. It has been described by Sykes, Jacobs, Clemmer, Irwin, and other classical theorists who have studied and written about prison (Clemmer 1940; Irwin 1980; Jacobs 1977; Sykes 1958). One of the ironic features of this phenomenon in the prison context is that prison administrators actually manipulate inmate culture when they assign inmates to institution security levels commensurate to their presumed level of risk. This is the well-known process of inmate classification. Low security prisoners have in common that they have relatively benign criminal backgrounds. High security prisoners share extensive criminal backgrounds. Propensity to commit crime is such a dominant attribute of the prisoner, we argue, that it is also the single most important determinant of inmate norms and values, or, in other words, it is the single most important influence on prison culture. The ironic result of inmate classification is that by classifying inmates according to their criminal propensities, and assigning them to commensurate security levels, correctional systems sort prison environments into different levels of prison culture. The higher the average security scores of inmates in any given prison, the more criminogenic the culture.

Perhaps the primary concern of researchers and advocates who argue for the criminogenic effect of prisons is that by having so many seasoned criminals together in one location, this provides a catalyst for further criminal activity. This is consistent with Sutherland's theory of subcultures (Sutherland and Cressey 1974). This is a concern shared by many prison

administrators as well. In addition to the more subtle processes of being exposed to knowledge of the criminal skills and tactics employed by other inmates, there is concern about the damage created by the more overt effects associated with inmates brutalizing one another. It could be that there is a contagion of brutalization similar to the argument Cook and Laub made for juvenile homicide rates (Cook and Laub 1998). Camp and his colleagues demonstrated that both inmates and staff find certain prisons more dangerous (on dimensions such as perceived safety or perceived gang activity) than others (Camp et al. 2002; Camp, Gaes, and Saylor 2002).

PRISON REGIMES

We borrow the idea of prison regimes from the British literature on prisons (Sparks, Bottoms, and Hay 1996). Regime is intended to capture all of the elements of a prison environment not directly attributable to inmate culture. Regime includes security measures to control inmates, prison programs whether intentionally rehabilitative or not, sophistication of prison management, characteristics of staff, and features of prison strain (crowding, presence or lack of good medical care, quality of food). The latter elements also have been called the pains of imprisonment (Johnson and Toch 1982). It is clear that prison regime is multidimensional, and may even, in some instances, defy classification or categorization. Nonetheless, we believe by conceptualizing the components this way, it clarifies the problem as well as points to ways of empirically testing whether prisons are criminogenic. While we acknowledge that there are many components of prison regime, we make a simplifying assumption in this paper that the dominant characteristic is prison security. The higher the institution security level, the greater the level of activity to monitor, control, and suppress inmate crime and misconduct.

A CONCEPTUAL FRAMEWORK

The problem confronting empiricists is that these factors are typically confounded in prisons. Higher criminal propensity individuals are assigned to institutions housing inmates who have a more criminogenic culture. The prison regimes for these higher risk populations are designed to suppress criminality and misconduct.

Some prior theorists who argue that prison is criminogenic have focused on the conduct of offenders released from prison. In fact, a forthcoming article by Chen and Shapiro (2002) uses a regression discontinuity design to test the criminogenic effects of prison on post-release conduct. We argue that criminal propensity is not discontinuous; a position that is consistent with life course work in criminology (Laub and Sampson 1993; Sampson and Laub 1990). The prison environment may promote or inhibit crime and/or serious misconduct, but that is true of the environments of released offenders as well.

Prison is simply an environment of a different kind (Foucault 1995; Garland 1990). We propose the most simple, e.g., that prison culture be measured by the security level of the inmates at a particular institution. We also propose that we measure prison regime based on the security procedures intended to limit criminal opportunity, recognizing fully that there are other dimensions. We assume that security procedures and other aspects of the regime suppress prison violence. This dampening effect has been demonstrated by Berk and de Leeuw (1999) for higher risk inmates placed in high security prisons. Berk et al. (2003: 234-236) demonstrated a modest suppressor effect for Level III prisons in comparison to Level I prisons. Thus, prison regime can be ordered on the security level of the institution.

By simplifying our analysis of the problem in this way, we can represent the conceptual dimensions, propensity, culture, and regime in Figure 1 as each having two dimensions – low

and high, or numerically I and III. We chose these numerical values because they are consistent with the Berk et al. (2003) data analysis. From the scheme in Figure 1, we could actually separate the influences of propensity, culture, and regime in an experimental design. We could assign inmates randomly according to the 2 X 2 X 2 design. That would entail randomly assigning low and high security inmates to low and high security cultures with corresponding mixes of low and high security regimes. This design would be costly, intrusive, and some would argue unethical.

The design that would be most likely, given cost and ethical constraints, is the one indicated by the O's and X's in Figure 1. Low security inmates would be randomly assigned to either a “low” security or “high” security environment defined by the combination of culture and regime – the two O cells. High security inmates would be randomly assigned to the same two security level environments – the two X cells. As we mentioned before, because the cultural component of the environment is being manipulated by assigning inmates of a certain security risk (propensity), one would have to be careful not to contaminate the design too much by assigning too many low risk inmates to a high risk environment, or vice versa.

The recent experiment by Berk and his colleagues actually tested the cells marked by an X. This was not the intention of the study, and we asked the authors to provide us with a subset of their data to examine experimentally the difference between propensity and environment. Dr. Berk actually went so far as to produce the tables that we needed. We were hoping that there would also be sufficient data to test the two O cells; however, there was insufficient data to make this test.

INMATE CLASSIFICATION AND THE BERK ET AL. STUDY

Modern penologists and practitioners share a common interest in placing inmates in prison environments that are consistent with the security needs of the inmate and society, that are conducive to rehabilitating the inmates, and that are cost effective. In pursuit of these goals, many modern prison systems rely upon predefined classification systems that assess the needs or prior criminal history of the inmates and place them accordingly. The trend toward predefined or objective inmate classification started in the 1970s at the Federal Bureau of Prisons and the California Department of Corrections (Austin, Hardyman, and Brown 2001).

Most inmate classification systems in the United States were designed initially to predict the likelihood of prison misconduct, especially violent misconduct. As such, when the systems were evaluated, usually by in-house researchers (Harer and Langan 2001; Kane 1986; Luciani, Motiuk, and Nafekh 1996), inmate misconduct was used as the criterion. Even though the primary goal of prison classification is to predict behavior inside of prison, some work exists that shows the ability of the classification systems to predict misconduct after release (Chen and Shapiro 2002). In most prison systems, the overriding goal of classification is to minimize the security (violence) or escape threat posed by inmates, and the most important components of the security score are those based on past criminality and prison misconduct. Other goals of classification such as treatment needs are, in part, bounded by the fact that inmate security risk takes priority, and treatment regimes operate within the security boundaries.

Most of the empirical work that has been conducted to validate classification systems, or assess the effects of prison environments upon misconduct, have used quasi-experimental designs with statistical controls to try to approximate a true experimental design (see for example Camp et al. 2003). Experimental designs of research within prisons are rare. One notable

exception is the previously mentioned research by Richard Berk and his colleagues (Berk et al. 2003). The research was conducted to validate a new classification system developed by the California Department of Corrections that incorporated information on inmate age (younger inmates were presumed to be more susceptible to prison misconduct) and membership in gangs while on the streets (gang members were presumed to be more predisposed toward prison misconduct). Using a regression-discontinuity approach that was also used in prior research (Berk and de Leuw 1999), the authors provided convincing evidence of the superiority of the new classification system. The Berk study used an experimental design to generate the data analyzed.

The challenge to the research community is to employ methodologies that disentangle the effects of environment and propensity, and finding such strategies requires great ingenuity. At one end of the methodological continuum, we could conduct an experiment like the design in Figure 1. This would allow researchers to examine both interaction and main effects of culture and regime simultaneously. Given the level of risk involved, it probably would be unethical to attempt such a design, especially if researchers suggested placing very low-risk inmates in maximum-security prisons and volatile, dangerous, maximum-risk inmates in minimum-security prisons. However, there have been natural experiments in which inmates of different classification levels have been placed in prisons that did not match their security risk (Berecochea and Gibbs 1991). The study reported by Berk et al. (2003), went one step further and capitalized on the fact that the California system was interested in making a marginal improvement in risk prediction allowing researchers to use random assignment. The

consequence of the CDC classification scheme was to move some inmates not just to the next level of security, but to an even higher security level.

DATA COLLECTED FOR THE BERK STUDY

The California Department of Corrections operates four primary security levels, I - IV. The lowest level is considered minimum security. Level IV is considered high security. Between November of 1998 and April of 1999, all new felons committed to CDC were classified under both the old and new classification systems. The designation to a prison was determined randomly, by whether the identification number assigned to an inmate was even or odd. Inmates who received odd identification numbers were designated with the score from the new classification system, and inmates with even numbers were designated by the old classification system. For our purposes, this resulted in 561 inmates who were classified as Level I under the old system but Level III under the new system. Of those, 297 of the inmates went to Level-I prisons, and the other 264 inmates were designated to Level III prisons. Thus, about half of the level-III propensity prisoners went to a Level-I prison, and about half went to a Level-III prison. These are the two X-boxes in Figure 1. Unfortunately, there was not sufficient data to test the O-boxes.

According to e-mail and personal discussions, Dr. Berk noted that differences in custody practices between Level I and Level III facilities are not as significant in the California system as differences between Level IV prisons and all other security levels. This is undoubtedly true, but there are meaningful differences between Level I and Level III prisons. Berk and de Leeuw (1999) failed to find a detectable suppressor effect for Level III prisons in comparison to Level I prisons in an earlier study, but Berk et al. (2003) did find a modest effect in the latest study. In

most systems, there are significant differences in custody and security practices when you move across two levels of the security classification of prisons, and CDC prisons follow a similar pattern. Berk et al. (2003: 236) reported that housing was more restrictive in Level III than Level I prisons, as would be expected given the cost of constructing a new prison bed in California. Level I beds in California cost \$19,371 in 2001 as compared to \$65,406 for a new Level III bed (Camp and Camp 2002: 91).

Given the relatively small number of inmates involved in the experiment who classified as Level I under the old system and Level III under the new system, it is reasonable to suppose that the prison culture was not influenced by these inmates either at the Level I or Level III prisons.¹ That is, it is reasonable to assume that inmates in the experiment who served time in Level I facilities were surrounded by inmates with less serious criminal histories than the inmates in the experiment who served time at Level III prisons. But, since there was not a corresponding random assignment of the custody practices, serving time in prisons with more or less serious inmates is confounded with whatever differences exist in security/custody practices and other regime practices across Level I and Level III prisons in California.

EMPIRICAL RESULTS

¹There were 9,656 newly committed inmates that were assigned to an institution security level according to the old classification system and 9,662 inmates assigned according to the new classification system. Of the inmates assigned under the new classification system, 2,468 got a Level-I score and were assigned to a Level-I institution, while 2,070 received a level-III score and were assigned to a Level-III institution. Of course, most of these inmates received the same security designation under the new and old systems. The subset of 561 inmates we were interested had a change in classification under the new system. Since half were assigned under their old scores, they were assigned to a lower security level institution that we know now was not appropriate. Since the assignment was random, we did not worry about omitted variables in the simple analyses we present, except for the possibility that the classification model itself is misspecified.

In Table 3 of their “Findings” section, Berk et al. (2003) report that among all of the inmates initially placed in Level III institutions, 53 percent of the inmates classified under the new system committed misconduct within two years of their placement. In Level I prisons, 29 percent of the inmates classified under the new system committed misconduct in the first two years. We use these misconduct percentages to frame the results for the 561 Level-III inmates randomly assigned to Level-I and Level-III security institutions. Table 1 presents the misconduct levels of the subsample of interest for this study. The table simply presents failure rates for any type of misconduct. The most common forms of misconduct include failing to stand for a prison count, failing to report to a job assignment, and violations of similar prison procedural rules. Thus, these results could change if violent or other types of serious misconduct were analyzed separately, so we present a separate analysis for serious forms of misconduct.

Table 1. Misconduct of Level III Inmates Randomly Assigned to Level I and Level III Prisons

	Level I	Level III	Totals
Misconduct	190 (64%)	158 (60%)	348 (62%)
No Misconduct	107 (36%)	106 (40%)	213 (38%)
Totals	297 (100%)	264 (100%)	561 (100%)

$\chi^2=1.008$ with 1 degree of freedom, not statistically significant

As the results demonstrate, the percentage of inmates with misconduct did not significantly differ whether the inmates were placed in Level I or Level III prisons. It is also noteworthy that their misconduct levels were much closer to Level III inmates (62% of the

inmates examined here versus 53% of the entire set of inmates examined by Berk and his colleagues) than Level I inmates (62% of this subset of inmates versus 29% of Level-I inmates in the Berk study). Given the same propensity to misconduct, at least as it was captured by the CDC classification system, Level III prisons did not seem to encourage inmates to greater participation in prison misconduct. Alternatively, the less violent or criminogenic environment of Level I institutions did not seem to lower the misconduct of Level III inmates.

The same result applies when the focus is more serious misconduct (see Table 2). While serious misconduct is much less common than other forms of misconduct, only 34 percent of the inmates examined here had an instance of serious misconduct, inmates who were assigned to the less secure Level-I prisons were no more likely than inmates assigned to Level-III prisons to engage in this prohibited activity. Clearly, inmates with similar propensities for misconduct, as captured by the CDC classification system, were equally likely to engage in serious misconduct whether the prison environment was that of a Level-I or Level-III prison.

Table 2. Serious Misconduct of Level III Inmates Randomly Assigned to Level I and Level III Prisons

	Level I	Level III	Totals
Misconduct	97 (33%)	94 (36%)	191 (34%)
No Misconduct	200 (67%)	170 (64%)	370 (66%)
Totals	297 (100%)	264 (100%)	561 (100%)

$\chi^2=0.353$ with 1 degree of freedom, not statistically significant

DISCUSSION

Level III inmates randomly assigned to Level I and Level III security environments acted much more like inmates in Level III environments. The findings are bolstered by the random

assignment of inmates to different security levels, although the experiment was clearly not designed for the purposes of the current analysis. Nonetheless, the limited availability of experimental data in the field of corrections calls for creative uses of the studies that do exist.

Are prisons criminogenic? If the prison environment had an effect on Level-III inmates, one would have expected that Level-III inmates would have had lower misconduct rates when they were placed in Level I institutions. We did not find this effect. Admittedly, we could have reached a stronger conclusion if the O cells represented in Figure 1 had been included in the design.

Could a reasonable explanation be that there is actually no difference in the “criminogenic properties” of the Level-I and Level-III prisons in the California system? Since the Berk et al., analysis was rather convincing in demonstrating that the security score they developed is a good predictor of levels of misconduct, we can infer that in the CDC system, the criminogenic properties of the prison culture increases as security levels increase from level I to level IV because of the concentration of increasingly more serious inmates. What about the criminogenic/suppressive properties of the regime? CDC representatives claim that custody practices that influence misconduct do not really differ for Level I and Level III prisons (personal communication). However, there is independent evidence that there are at least some security differences among CDC prisons. As noted earlier, the higher security prisons cost more to build because of the security hardware used in the construction. Furthermore, as was also noted, Berk et al., did find a small suppressive effect at level-III institutions. So there was probably some misconduct-inhibiting elements of the prison regime.

Unfortunately, with the current research design, where inmate placement was randomly controlled but regime and culture differences were not, there is no way to disentangle the independent effects of each. It is important to eventually try to disentangle these two elements of prison environment, because they have important implications for prisoners and administrators.

While the entanglement of the seriousness of inmates and regimes is important for theory development in corrections, it may not be as important when it comes to policy recommendations and operational decisions. Assuming we can trust the rather crude measure of misconduct, whether an inmate was involved in at least one instance of any type of misconduct, the policy implication is that it does not matter where a Level-III inmate is placed in California if the inmate classifies as Level I under the old system and Level III under the new system. Whether placed in a Level I or a Level III prison, about 60 percent of the Level-III inmates will become involved in prison misconduct. However, before accepting such a policy conclusion, it would be important to know if Level-I inmates became victims of Level-III inmates within a Level-I security institution.

CONCLUSIONS

Does this admittedly limited analysis demonstrate once and for all that inmate culture, arising from inmates of similar risk who are housed together, has no impact upon the criminal development or conduct of inmates? No, this conclusion reaches way too far as foreshadowed by the phrasing of the question. But this analysis does provide a bit of evidence that the types of inmates who are housed together may not be as important as often thought, or at least that the effect can be overcome with adequate security and custody measures and other environmental influences. Since most of the prior literature on the effect of inmate culture has been theoretical

speculation, the current research demonstrates how it is possible to analytically and methodologically begin to separate the influence of inmate culture and regimes.

These initial results also raise a challenge to those theorists who argue exclusively for a criminogenic effect of inmate culture. There may indeed be such an effect, although the current findings did not support this conclusion, given the limited nature of the current research design. It may be that the effect may manifest itself once an inmate is released from prison and the extra security procedures employed in prisons to suppress crime and misconduct are no longer operable. In fact, we believe that following these inmates after release to examine differences in “street behavior,” especially recidivism, is one method of understanding whether inmate culture or prison regime contributed to the findings of this study. If the 561 inmates of this study are followed in the community after release, this would provide additional information about the respective effects of prison regimes and inmate culture.

Figure 1. Theoretical design to separate the effects of criminal propensity, institution culture, and institution regime on inmate misconduct.

Low Individual Propensity (I)			
		Institution Regime	
		Low Risk (I)	High Risk (III)
Institution Culture	Low Risk (I)	O	
	High Risk (III)		O

High Individual Propensity (III)			
		Institution Regime	
		Low Risk (I)	High Risk (III)
Institution Culture	Low Risk (I)	X	
	High Risk (III)		X

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